

#### D. Remarks

The claims at issue are 1, 2, 4, 5, 9, 11-14, 19-48, 50, 53, 54 and 61-63, with claims 1, 24, 34, 53, 54 and 63 being independent. Claims 24-47, 53 and 54 have been withdrawn from consideration by the Examiner as being directed to non-elected inventions. Claims 6-8, 10, 15-18, 49, 51, 52 and 55-60 have been cancelled. Claim 1 has been amended to better define the presently claimed invention. Support for this amendment may be found throughout the specification, the drawings and the claims. Claims 2, 4, 5, 9, 11-14, 19-23, 48, 50 and 61 have been amended to reflect the changes in claim 1. New claims 62 and 63 have been added. These claims are supported by the specification, drawings and the other claims. No new matter has been added. Reconsideration of the present claims is expressly requested.

Applicants submit herewith a substitute specification to correct grammatical, typographical and syntax errors and to better conform the text with proper idiomatic English. No new matter has been added, as can be clearly seen from the changes indicated on the enclosed marked-up copy of the original specification.

Claims 1-23, 49, 58 and 59 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. In view of the above amendments to the claims and the cancellation of claims 6-8, 10, 15-18, 49, 51, 58 and 59, this rejection should be withdrawn.

Claims 1, 2, 4-8, 11-17, 19, 22, 23, 48-52 and 55-61 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,004,444 (Aksay). Claims 9, 10, 18, 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from Aksay. The grounds of rejection are respectfully traversed.

The presently claimed invention is directed a structure in which tubular pores are arranged uniaxially on a polymer surface or substrate. Aksay discloses a process for preparing surfactant-polycrystalline inorganic mesostructured materials having

designed microscopic patterns. Aksay, however, does not disclose or suggest a pore structure as presently claimed.

Specifically, Fig. 9 in Aksay shows a surfactant-polycrystalline inorganic mesostructure formed on a substrate using a polymer mold (stamp). This structure does not contain uniaxially oriented pores. In fact, this structure does not even contain pores. Fig. 9 and the specification in Aksay teach only tubules, which are clearly not tubular pores as presently claimed.

Furthermore, Aksay merely states at column 9, lines 20-24, that the tubules lie parallel to the surface and are axially aligned along the next-nearest neighbor direction of the hexagonal oxygen lattice on the mica surface. Clearly, this is not a uniaxial arrangement of pores as presently claimed. In fact, as can be seen in Fig. 9 and in Fig. 1A, the tubules are twisted. Therefore, even if assumed, *arguendo*, that the tubules in Aksay could be considered pores, these tubules are not uniaxial. Accordingly, it is clear that Aksay cannot anticipate the present invention.

In addition, with respect to the selection of the polymer material for the polymeric surface and the surfactant, the Examiner has alleged that such selections would have been obvious. Applicants respectfully disagree.

The Examiner premised this allegation on the holding in In re Leshin, 227 F.2d 197 (C.C.P.A. 1960). Therefore, the premise presupposes that the materials selected in the present invention were known to be used for the intended purpose. The purpose of using the materials as presently claimed is to obtain a regular alignment of the pores on the substrate. The Examiner has not provided one iota of disclosure that would show that the selected materials were known in the art to provide a regular alignment of the pores in the structure as presently claimed. Aksay, as noted by the Examiner, does not disclose or suggest specific polymers and the polymer in Aksay is clearly used for a different purpose than in the presently claimed invention. This reference teaches that any polymer can be

used as long as an elastic mold can be formed. Therefore, the premise on which the Examiner's rejection is based is without support and the rejection cannot be maintained.

Accordingly, it is respectfully submitted that Aksay cannot affect the patentability of the presently claimed invention. Wherefore, Applicants respectfully request that all rejections be withdrawn and the present case be passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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